

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201810016	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/25/2018 8:48 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 5/25/2020	EO SOL 1/9/2021	
Date/Time CV Reported Sun, 11/25/2018 11:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/03/2018 9:46 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Craig Macy	10005	930617	075 PCT
2. POM Brian Costello	21884	950242	075 PCT
3. DT2 Raymond Ragione	04062	900951	ESS 07
4. POM Adam Geslak	29753	950488	ESS 07

Officer(s)	Allegation	Investigator Recommendation
A.POM Craig Macy	Abuse: Police Officer Craig Macy entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Brian Costello	Abuse: Police Officer Brian Costello entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.DT2 Raymond Ragione	Abuse: Detective Raymond Ragione entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.POM Adam Geslak	Abuse: Police Officer Adam Geslak entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E.DT2 Raymond Ragione	Abuse: Detective Raymond Ragione searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.POM Adam Geslak	Abuse: Police Officer Adam Geslak searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
G.POM Craig Macy	Abuse: Police Officer Craig Macy threatened to arrest § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
H.POM Craig Macy	Abuse: Police Officer Craig Macy threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On November 25, 2018, § 87(2)(b) filed this complaint on behalf of herself and her 17-year-old daughter, § 87(2)(b) with IAB by phone. It was received at the CCRB on December 3, 2018, under IAB original log number 18-46161.

On November 25, 2018, at approximately 8:48 p.m., PO Craig Macy and PO Brian Costello, both of the 75<sup>th</sup> Precinct, and Det. Raymond Ragione and PO Adam Geslak, both of ESU, responded to § 87(2)(b) in Brooklyn because they received a 911 call from § 87(2)(b)'s school counselor, § 87(2)(b) who was concerned that § 87(2)(b) was suicidal. After PO Costello spoke on the phone with § 87(2)(b)'s father, § 87(2)(b) and § 87(2)(b) PO Macy, PO Costello, Det. Ragione, and PO Geslak entered (**Allegations A, B, C, and D: Abuse of Authority – Entry, § 87(2)(g)**), and Det. Ragione and PO Geslak searched (**Allegations E and F: Abuse of Authority – Search of Premises, § 87(2)(g)**). § 87(2)(b) During the entry, the door front door was damaged (**subsumed under allegations A, B, C, and D**). § 87(2)(b)'s neighbor, § 87(2)(b) came over to make sure that § 87(2)(b) was okay. PO Macy allegedly threatened to arrest § 87(2)(b) (**Allegation G: Abuse of Authority – Threat of Arrest, § 87(2)(g)**) and threatened to take § 87(2)(b) to the hospital (**Allegation H: Abuse of Authority – Threat re: Removal to Hospital, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

No arrests or summonses resulted from this incident. Body-worn camera footage from PO Macy (**BR 02, BR 03, BR 04, BR 05, and BR 06**) and security footage from § 87(2)(b)'s apartment (**BR 07**) were obtained, the relevant portions of which are discussed below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Craig Macy entered § 87(2)(b) in Brooklyn.**

**Allegation (B) Abuse of Authority: Police Officer Brian Costello entered § 87(2)(b) in Brooklyn.**

**Allegation (C) Abuse of Authority: Detective Raymond Ragione entered § 87(2)(b) in Brooklyn.**

**Allegation (D) Abuse of Authority: Police Officer Adam Geslak entered § 87(2)(b) in Brooklyn.**

**Allegation (E) Abuse of Authority: Detective Raymond Ragione searched § 87(2)(b) in Brooklyn.**

**Allegation (F) Abuse of Authority: Police Officer Adam Geslak searched § 87(2)(b) in Brooklyn.**

It was undisputed that on November 25, 2018, at approximately 8:48 p.m., PO Macy, PO Costello, Det. Ragione, and PO Geslak, entered § 87(2)(b) to perform a wellness check on § 87(2)(b) because her school counselor, § 87(2)(b) called 911 because she suspected that § 87(2)(b) was suicidal and that the door was damaged during the entry. It was also undisputed that Det. Ragione and PO Geslak did a protective sweep of the apartment to determine if anyone besides § 87(2)(b) and her younger sister, § 87(2)(b) were present.

§ 87(2)(b) (**BR 08**) stated that at approximately 6:30 p.m., she was alone in her apartment with her § 87(2)(b)-old sister, § 87(2)(b) when she texted her guidance counselor, § 87(2)(b).

§ 87(2)(b) that she did not want to live anymore because she was feeling stressed. § 87(2)(b) told § 87(2)(b) that she was required by law to report suicidal thoughts, and, because § 87(2)(b)'s mother was not at home, she was going to call 911 so that someone could come check on her.

At approximately 8:48 p.m., § 87(2)(b) was woken up by banging on the door, and she heard voices announce themselves as police. § 87(2)(b) walked into the living room, and saw PO Macy, PO Costello, Det. Ragione, PO Geslak, and two EMTs, identified by the investigation as EMT § 87(2)(b) and EMT § 87(2)(b) standing in the living room. She also saw that the deadbolt on the front door was broken. § 87(2)(b) sat at chair at a table in the kitchen, and her neighbor, § 87(2)(b) came into the apartment. PO Macy asked § 87(2)(b) if she was alone and if she knew why the officers were there. § 87(2)(b) told PO Macy that she and § 87(2)(b) were alone in the apartment and that she knew they were there because of the text message she had sent to § 87(2)(b) but that § 87(2)(b) had overreacted, and she did not intend to hurt herself.

At the same time, Det. Ragione and PO Geslak tried to open § 87(2)(b)'s locked bedroom door. § 87(2)(b) called § 87(2)(b) who told her that she would be there in a few minutes. § 87(2)(b) told § 87(2)(b) to tell the officers not to open any doors until she arrived at the apartment, and the officers agreed to wait until § 87(2)(b) arrived to open the door. Approximately 15 minutes later, § 87(2)(b) arrived and immediately told the officers and EMTs to leave her apartment and that they could speak with her and § 87(2)(b) outside in the hallway.

Det. Ragione and PO Geslak told § 87(2)(b) that they first needed to look in her bedroom to make sure that there was no one else in the apartment. § 87(2)(b) questioned why they needed to look in her locked bedroom when the subject of the 911 call, § 87(2)(b) had been identified and was uninjured. Det. Ragione and PO Geslak insisted that they could not leave until they looked in her room, so § 87(2)(b) reluctantly agreed to open the door. Det. Ragione and PO Geslak remained in the hallway but looked inside the room with their flashlights. They then left the apartment.

§ 87(2)(b)'s statement (BR 09) was generally consistent with that of § 87(2)(b) with the following exceptions noted. When § 87(2)(b) called § 87(2)(b) to tell her that people, she did not indicate that they were police, were at the door. § 87(2)(b) instructed her not to open the door and that she would be home soon. § 87(2)(b) then called § 87(2)(b) who told her police were at the apartment because § 87(2)(b)'s teacher had requested a wellness check because she suspected § 87(2)(b) was suicidal. § 87(2)(b) connected § 87(2)(b) into a phone call with one of the officers trying to get into the apartment, and she told this officer that § 87(2)(b) was fine. This officer told § 87(2)(b) that they needed to see § 87(2)(b) and that they were going to break the door down. § 87(2)(b) told this officer that she would be home momentarily and asked that they not enter the apartment until she arrived, and he agreed to wait. Approximately two minutes later, when she arrived at the apartment, § 87(2)(b) told everyone to leave. PO Macy told § 87(2)(b) that they could not leave until they looked in her locked bedroom. § 87(2)(b) reluctantly agreed to open the door, and PO Macy and Det. Ragione entered the room and looked around. The officers then left the apartment.

§ 87(2)(b) (BR 10) stated that § 87(2)(b) sent her a text stating that she did not want to live anymore, and she was worried that § 87(2)(b) might hurt herself, so she reported her concerns to 911. § 87(2)(b) then called § 87(2)(b) to inform him of the situation. § 87(2)(b) received calls from the 911 operator, one of the officers at

the location, and EMS requesting confirmation about the suicidal threats and more information about the location of § 87(2)(b)'s apartment. A few minutes later, § 87(2)(b) texted § 87(2)(b) that there were police at her door and that she was scared. § 87(2)(b) worried that § 87(2)(b) might get hurt if the officers forced the door open, instructed § 87(2)(b) to stay away from the door. § 87(2)(b) did not have any further contact with anyone regarding the incident that night.

§ 87(2)(b)'s statement (**BR 11**), was generally consistent with those of § 87(2)(b) and § 87(2)(b) with the following exceptions noted. After speaking with § 87(2)(b) § 87(2)(b) immediately called § 87(2)(b) who told him that § 87(2)(b) had overreacted and that she was fine. § 87(2)(b) called § 87(2)(b) back, but she told him that she had already called 911. § 87(2)(b) called § 87(2)(b) and then spoke with one of the officers, identified by the investigation as PO Costello, who told § 87(2)(b) that no one was answering the door and that they were going to have to break the door to gain entry. § 87(2)(b) told PO Costello that § 87(2)(b) was on her way and asked that he wait until she got there to open the door. PO Costello agreed to wait a few minutes and then disengaged the call.

§ 87(2)(b)'s statement (**BR 12**) was generally consistent with those of § 87(2)(b) and § 87(2)(b) with the following exceptions noted. § 87(2)(b) received a call from § 87(2)(b) who asked if there were police outside her apartment and said that she would be there in two to three minutes. § 87(2)(b) did not tell § 87(2)(b) why there were police at the apartment. After approximately five minutes, § 87(2)(b) saw that the door to § 87(2)(b)'s apartment had been opened. § 87(2)(b) went into § 87(2)(b)'s apartment and heard § 87(2)(b)'s voice and § 87(2)(b) crying, so she called out to them. § 87(2)(b) followed by § 87(2)(b) and their younger sister, § 87(2)(b) walked into the living room. All three appeared physically okay and as if they had been sleeping because they were in pajamas and looked groggy. PO Macy and PO Costello explained the situation and told § 87(2)(b) that it was protocol for them to search the entire apartment. When § 87(2)(b) arrived, PO Macy told her that they needed to look in her locked bedroom to make sure that no one else was there. § 87(2)(b) initially protested, but eventually let PO Macy look in her room.

§ 87(2)(b) provided the CCRB with the text messages she sent to § 87(2)(b) (**BR 13**). On November 25, 2019, at approximately 6:35 p.m., § 87(2)(b) texted, "Thank you. I told § 87(2)(b) what where we would stand from here on out and he took it very nonchalant and lightly and just was like ok cool so right now I feel very broken and used and I honestly do not want to be here anymore. He was the only person I thought I had in my corner and now I'm alone again and useless." At 7:04 p.m., § 87(2)(b) responded, "WHAT do you mean you done want to be here anymore?" At 7:38 p.m., § 87(2)(b) texted, "My life is really becoming more than I can handle and I have no support system but I try it would just be easier if I didn't live anymore." At 8:02, § 87(2)(b) responds, § 87(2)(b) you are an amazing young lady with many talents. Your parents are your support system." There are no further correspondences by text between § 87(2)(b) and § 87(2)(b) that night.

According to the Ambulance Care Report (**BR 14**), the call came over as a suicidal § 87(2)(b)-old female who was awake and breathing. The caller was a teacher who stated that her student, who was home alone with her younger sister, wanted to harm herself.

An Incident Report (**BR 15**), prepared by Starrett City building security, states that building security received a request from PO Macy for assistance in gaining entry to § 87(2)(b)'s apartment because § 87(2)(b)'s teacher had contacted 911 after § 87(2)(b) made threats to

hurt herself. Building security responded with a master key, and many attempts were made to establish contact with anyone inside by banging on the door and ringing on the bell. When no one answered, the top lock was removed. § 87(2)(b) refused to cooperate with NYPD, EMTs, ESU, and Starrett City security and asked everyone to leave. The report indicated that, upon entry, there were no visible injuries on § 87(2)(b)'s person.

PO Macy (**BR 16**) stated that he and PO Costello received a radio call to respond to a suicidal teenager at § 87(2)(b). After knocking on the apartment door for two minutes without anyone answering, PO Macy contacted his sergeant by text, who instructed him to request that ESU respond to the location. PO Macy requested ESU and then contacted building maintenance to see if they had access to the apartment. PO Macy, who was concerned that § 87(2)(b) may have harmed herself because she was not answering the door despite the very loud banging, told the maintenance worker to open the door.

After approximately three minutes, two ESU officers, Det. Ragione and PO Geslak, arrived at the apartment, and the maintenance worker was able to open the apartment door. Det. Ragione and PO Geslak entered the apartment, and PO Macy and PO Costello followed. Det. Ragione and PO Geslak instructed anyone at home to come out into the living room, and § 87(2)(b) who appeared uninjured, and § 87(2)(b) exited from one of the bedrooms. § 87(2)(b) was confused about why officers were in her apartment, but she did not show any signs of being in emotional distress.

PO Macy spoke with § 87(2)(b) and he identified her as the person about whom the 911 call had been placed. While he was speaking to § 87(2)(b), § 87(2)(b) came into the apartment, and PO Macy explained that they were there because § 87(2)(b)'s teacher was concerned about her wellbeing. Before the EMTs could evaluate § 87(2)(b), § 87(2)(b) arrived at the apartment. § 87(2)(b) loudly yelled that she wanted everyone to leave, and Det. Ragione and PO Geslak told § 87(2)(b) that they could not leave until they looked in her bedroom, which was locked. § 87(2)(b) did not want to let them into her room, but she eventually agreed, and Det. Ragione and PO Geslak looked inside the room. The officers then left the apartment.

PO Costello's statement (**BR 17**) was generally consistent with that of PO Macy with the following exceptions noted. When they arrived at the apartment building, PO Costello spoke with § 87(2)(b) who reiterated to him the information they had received in the initial radio run. PO Costello spoke with § 87(2)(b) who told PO Costello that § 87(2)(b) was fine, but stated that he could not recall when he had last spoken with § 87(2)(b) and had not actually seen her that day. § 87(2)(b) did not have a phone number for § 87(2)(b).

PO Costello was talking to § 87(2)(b) as the maintenance worker was trying to access the apartment, and he told § 87(2)(b) that because of the serious nature of § 87(2)(b)'s concerns, and because they had not been able to establish contact with § 87(2)(b) inside of the apartment, they were going to force the front door open because they were concerned that § 87(2)(b) was possibly inebriated, unconscious, or very seriously injured. § 87(2)(b) insisted that § 87(2)(b) was fine but would not tell PO Costello where she was. PO Costello told § 87(2)(b) that ESU was on their way and that as soon as they were there, they would open the door. PO Costello never told § 87(2)(b) that they would wait for her arrival to open the door.

After opening the door, Det. Ragione and PO Geslak searched the apartment for anyone else who might be there. When § 87(2)(b) arrived at the apartment, PO Macy and PO Costello explained to her that when they receive calls regarding possible suicides, they need to make contact with the individual as soon as possible. § 87(2)(b) then walked down the hallway to speak with Det. Ragione and PO Geslak, who were standing by her locked bedroom door. Det.

Ragione and PO Geslak never explained to PO Costello why they needed to look in § 87(2)(b)'s locked bedroom.

Det. Ragione's statement (**BR 18**) was generally consistent with those of PO Macy and PO Costello with the following exceptions noted. Det. Ragione received a radio call to assist with gaining entry to an apartment for an AIDED case. Det. Ragione had no further information about the nature of the incident or the people involved prior to arriving at the apartment. When Det. Ragione and PO Geslak arrived at the apartment, PO Macy, PO Costello, EMS, and building maintenance were already at the door. PO Macy and PO Costello explained that there was a possible AIDED individual in the apartment with whom they had not been able to establish contact but did not further explain the reason why they had been called to respond to the location, who was expected to be in the apartment, or the suspected physical or mental condition of the AIDED individual.

Upon entering the apartment, Det. Ragione and PO Geslak did a visual inspection of the apartment to determine if there was anyone else there who might have been in need of medical assistance. § 87(2)(b) appeared to be uninjured and was yelling loudly and asking why officers were in the apartment. While Det. Ragione did not have any specific reason to believe that there was someone inside § 87(2)(b)'s locked bedroom, he could not be sure that there was not without visually inspecting the room. § 87(2)(b) told Det. Ragione that § 87(2)(b) would be home in a few minutes, so Det. Ragione decided to wait before forcing the door open. Det. Ragione explained that he used his discretion in this situation to wait because he did not want to needlessly break the door if § 87(2)(b) was going to be there momentarily.

When § 87(2)(b) arrived, Det. Ragione explained that, even though § 87(2)(b) had been identified and appeared to be physically okay, he needed to look in her bedroom to make sure that no one else in the apartment was injured. He reiterated to her that he could not be sure that no one else was there if he did not actually see inside the room. § 87(2)(b) eventually agreed to open the door, and Det. Ragione and PO Geslak walked into the bedroom, looked around, and then left the apartment.

Det. Ragione explained that it is NYPD protocol to search every room in a residence when responding to a call for an AIDED because it can never be known for certain that other people are not there unless a visual inspection of each room is completed. There is always the possibility that someone else who was not necessarily expected to be present by the initial reporter is present and possibly in need of medical assistance. Det. Ragione further explained that these types of searches are not for evidence, contraband, or weapons; they are searches only to determine if persons are present and are executed as a safety precaution for the civilians and members of service present.

Body-worn camera footage from PO Macy (**BR 02, BR 03, BR 04, BR 05, and BR 06**) captures most of the incident. PO Costello's body-worn camera was not functioning at the time of the incident, and he documented this in his memo book at the beginning of his tour (**BR 19**). ■

§ 87(2)(g)

In PO Macy's first and second videos (**BR 02 and BR 03**), PO Macy and PO Costello knock on the door and try to establish contact with § 87(2)(b). In the third video (**BR 04**), a building maintenance worker opens the front door to the apartment with a prying tool. At 2:00 minutes, ESU officers are visible walking down the hallway to the bedrooms. At 2:05 minutes, § 87(2)(b) who appears uninjured, comes out of one of the back bedrooms into the living area and states that she and her sister § 87(2)(b) are home alone.

At 2:54 minutes, while PO Macy is talking with § 87(2)(b) an ESU officer is visible at the end of the hallway by two bedroom doors. At 3:58 minutes, § 87(2)(b) walks back to her bedroom to get her phone, and one of the ESU officers who is standing in front of § 87(2)(b)'s locked bedroom door asks her, "Who's in this room?" § 87(2)(b) tells him, "No one. That's my mom's room. The door is locked." § 87(2)(b) goes back to the living room, and PO Macy goes over the radio to say that the AIDED has been located and she is uninjured. § 87(2)(b) then explains to the officers and EMTs that § 87(2)(b) overreacted and that she is stressed but has no intention of harming herself. At 8:02 minutes, § 87(2)(b) walks back down the hallway and tells the ESU officers that the locked room is § 87(2)(b)'s and that she does not have the key. § 87(2)(b) reiterates that no one else is home. PO Geslak is standing at the door and appears to be trying to manipulate the lock. Det. Ragione tells § 87(2)(b) that he needs to make sure that no one else is in the room.

In the fourth video (**BR 05**), at 00:50 seconds, § 87(2)(b) tells PO Macy, Det. Ragione, and PO Geslak that her mother is one exit away, and Det. Ragione tells § 87(2)(b) that they will wait until § 87(2)(b) arrives. At 2:43 minutes in the fifth video (**BR 06**), § 87(2)(b) arrives at the apartment and tells the officers that they need to leave the apartment. PO Macy tells § 87(2)(b) that Det. Ragione and PO Geslak need to access the locked bedroom. § 87(2)(b) Brow says that it is her room and tells the officers again to leave the apartment and that she will show the room to one person. PO Macy and PO Costello exit the apartment with § 87(2)(b) and § 87(2)(b) remains in the apartment with Det. Ragione and PO Geslak. At 4:29 minutes, Det. Ragione tells § 87(2)(b) that he needs to look in the room and then he can leave. At 4:40 minutes, § 87(2)(b) opens the bedroom door. Det. Ragione, who remains standing in the hallway with PO Geslak outside of the bedroom, shines his flashlight into the room, and then leaves the apartment at 4:47 minutes. At 5:00 minutes, § 87(2)(b) and § 87(2)(b) along with all the officers and EMTs, are in the hallway. None of the officers re-enter the apartment.

The EVENT (**BR 20**), is consistent with the Ambulance Care Report (**BR 14**), the initial 911 call (**BR 21** and **BR 34**), and the radio communications (**BR 22** and **BR 35**), which are all also consistent with officer statements and § 87(2)(b)'s statement.

The ESU Report (**BR 23**) states that Det. Ragione and PO Geslak entered the locations and assisted the 75<sup>th</sup> Precinct "with making sure no other AIDED were at the location."

It was undisputed that § 87(2)(b) called 911 and reported her concerns that § 87(2)(b) who was home alone with her younger sister, was suicidal and that she confirmed these concerns and § 87(2)(b)'s location with PO Costello directly over the phone. It is also undisputed that officers entered the apartment after they were unable to establish contact with § 87(2)(b) and that, having identified § 87(2)(b) as the person about whom the 911 call was placed, Det. Ragione and PO Geslak made § 87(2)(b) open her locked bedroom door so they could visually inspect the room to determine if anyone else was home.

According to People v. Rodriguez, 77 A.D.3d 280, 2010 (**BR 24**), officers are permitted to enter a premises without a warrant if they reasonably believe that there is an emergency and an immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered.

In People v. Harris, 141 A.D.3d 1024, 2016 (**BR 25**) the court held that while exigent circumstances justified an officer's warrantless entry into an apartment when responding to a reported dispute, having identified all parties involved in the dispute, a protective sweep of a bedroom, absent any articulable fact upon which to believe there was an individual who posed a threat within the bedroom, was not permissible.

NYPD ESU Tactics Section Participant Guide from August 2015 (**BR 26**), in the lesson on barricaded perpetrators and perpetrator searches, instructs officers to conduct secondary searches of all rooms, or a more thorough search for anyone hiding. A team must conduct primary and secondary searches before a room can be designated clear.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (G) Abuse of Authority: Police Officer Craig Macy threatened to arrest** § 87(2)(b)

§ 87(2)(b)

**Allegation (H) Abuse of Authority: Police Officer Craig Macy threatened to remove** § 87(2)(b)  
**to the hospital.**

It was undisputed that PO Macy told § 87(2)(b) that § 87(2)(b) would need to go to the hospital. In dispute was whether PO Macy threatened to arrest § 87(2)(b). § 87(2)(b) (**BR 09**) stated that when she got to her apartment, she told the officers to leave her apartment, and PO Macy told her that he was not going anywhere. PO Costello, PO Macy, and a third officer remained in the apartment while the other officers and EMTs went into the hallway. § 87(2)(b) told PO Macy a second time to leave her apartment, and PO Macy told § 87(2)(b) that he would not leave unless § 87(2)(b) came with him. § 87(2)(b) told § 87(2)(b) to stand in the hallway, which she did, and then told PO Macy that § 87(2)(b) was a minor and that she was not going to go anywhere with PO Macy without her consent. As PO Macy was walking out the door into the hallway where § 87(2)(b) was standing, PO Macy told § 87(2)(b) that he was either going to arrest § 87(2)(b) or take her to the hospital. Ultimately, the EMTs evaluated § 87(2)(b) and determined that she did not need to go to the hospital.

§ 87(2)(b)'s statement (**BR 08**) was generally consistent with that of § 87(2)(b) with the following exceptions noted. After § 87(2)(b) asked the officers to leave, PO Macy and PO Ragione stayed in the apartment, while the other officers and EMTs exited. § 87(2)(b) who was in the hallway, overheard PO Macy tell § 87(2)(b) that he was going to take § 87(2)(b) to the hospital and that § 87(2)(b) would be arrested. § 87(2)(b) was very upset, so she could not recall PO Macy's exact phrasing and only partially heard the conversation from where she was standing.

§ 87(2)(b)'s statement (**BR 12**) was generally consistent with those of § 87(2)(b) and § 87(2)(b) with the following exceptions noted. As he was leaving the apartment, PO Macy told § 87(2)(b) that § 87(2)(b) was going to leave with the officers. § 87(2)(b) told PO Macy



that, as § 87(2)(b)'s mother, she would not allow them to take § 87(2)(b) anywhere. PO Macy then told § 87(2)(b) that they were going to take § 87(2)(b) to the “precinct” to “clear” her, stating that it was protocol to do so. § 87(2)(b) did not hear PO Macy or any other officer say that § 87(2)(b) needed to go to the hospital.

§ 87(2)(b) (BR 11) and § 87(2)(b) (BR 10) were not present for this portion of the incident and did not hear during their phone conversations with the officers anything about removing § 87(2)(b) to the hospital or arresting § 87(2)(b).

According to the Prehospital Care Report (BR 14), § 87(2)(b) told the EMTs that she did not want § 87(2)(b) to go to the hospital, and she signed a refusal of medical treatment on behalf of § 87(2)(b).

PO Macy (BR 16) stated that EMTs has just started to speak with § 87(2)(b) when § 87(2)(b) arrived at the apartment. Before the EMTs could evaluate § 87(2)(b) told everyone that they needed to leave. As he was exiting the apartment, PO Macy told § 87(2)(b) that § 87(2)(b) was “probably going to have to go to the hospital.” PO Macy explained that he said this because in his 17 years as a police officer, every time he has responded to a call for a possibly suicidal individual, that person has always been brought to the hospital for a psychiatric evaluation. While it is ultimately the EMTs decision, PO Macy said this to § 87(2)(b) because, based on his experience, he thought that § 87(2)(b) was going to have to be evaluated at the hospital. PO Macy denied ever telling § 87(2)(b) or § 87(2)(b) that he was going to arrest § 87(2)(b) and added that there was nothing for which § 87(2)(b) could have been arrested.

After PO Macy left the apartment with the other officers, he and PO Costello went down to their patrol car while the EMTs evaluated § 87(2)(b). After a few minutes, the EMTs radioed PO Macy and PO Costello and told them that § 87(2)(b) did not need to go to the hospital. PO Macy stated that this was the first time in his career as an officer that a person who had threatened self-harm was not taken to the hospital for an evaluation.

PO Costello’s statement (BR 17) was generally consistent with that of PO Macy with the following exceptions noted. PO Costello and PO Macy both explained to § 87(2)(b) that because § 87(2)(b) had texted suicidal thoughts to her teacher, which they had verbally confirmed with the teacher, that § 87(2)(b) was going to have to go to the hospital. They added that, because § 87(2)(b) was a minor, § 87(2)(b) would have to accompany her. § 87(2)(b) told PO Costello and PO Macy that she refused to let § 87(2)(b) go to the hospital because she was fine. PO Costello never heard PO Macy say that § 87(2)(b) would be arrested or brought to the precinct stationhouse.

Det. Ragione’s statement (BR 18) was generally consistent with those of PO Macy and PO Costello with the following exceptions noted. When § 87(2)(b) entered the apartment, Det. Ragione and PO Geslak were at the back of the apartment by the locked bedroom. Det. Ragione heard § 87(2)(b) yelling, but he could not clearly hear the conversation that she had with PO Macy and PO Costello. Det. Ragione did not hear any officer tell § 87(2)(b) or § 87(2)(b) that § 87(2)(b) would be removed to the hospital or that § 87(2)(b) would be arrested.

PO Macy’s body-worn camera footage (BR 06) captures this portion of the incident in its entirety. At 2:44 minutes, § 87(2)(b) arrives at the apartment and immediately asks everyone to exit the apartment and wait in the hallway. PO Macy, who is standing in the living area inside the apartment, says that they will go in the hallway, but that § 87(2)(b) has to go into the hallway as well. At 3:54 minutes, § 87(2)(b) says to PO Macy, “You know what? Can you just step into the hallway please?” PO Macy replies, “Alright, but she’s going to be coming to the hospital with us.” § 87(2)(b) says, “She’s not going nowhere with you unless I go. I’m her

mother.” PO Macy, as he is walking out of the apartment, says, “You’re going to be coming with us.” § 87(2)(b) interjects, “She’s a minor still.” PO Macy replies, “That’s right. So she can’t refuse medical...” § 87(2)(b) says, “But I can do it. I’m her mother.” PO Macy says “Okay,” to § 87(2)(b) and then says to EMT § 87(2)(b) “Are you going to take her?” EMT § 87(2)(b) replies, “I’m gonna wait till the mom calms. Because she’s a minor, we cannot transport her without her mom. That’s it.”

Body-worn camera footage captures PO Macy tell § 87(2)(b) that § 87(2)(b) will be going to the hospital and EMT § 87(2)(b) reply to PO Macy that she is going to wait to take § 87(2)(b) until § 87(2)(b) calms down. As justification for this statement, PO Macy stated that in his 17 years as a police officer, every time he has responded to a call for a person who threatened self-harm, that person has always been taken to the hospital, and that he was informing § 87(2)(b) of what would be happening next. PO Macy acknowledged that the decision to remove someone to the hospital is that of EMS, and, based on officer statements and the body-worn camera footage, the investigation determined that, at the time PO Macy made the statement to § 87(2)(b) he reasonably believed that because § 87(2)(b) had made a credible threat to harm herself, the EMTs were going to take § 87(2)(b) to the hospital. This is further supported by the fact that EMT § 87(2)(b) says, immediately after PO Macy makes this statement, that they will transport § 87(2)(b) after § 87(2)(b) calms down. Ultimately, PO Macy deferred to the EMTs decision not to take § 87(2)(b) to the hospital.

At no point, however, does the footage, which records continuously and clearly from the moment § 87(2)(b) arrives at the apartment until PO Macy exits the apartment, capture PO Macy or any other person present tell § 87(2)(b) or § 87(2)(b) that § 87(2)(b) will be arrested or taken to the stationhouse. As such, the investigation determined that PO Macy did not ever threaten to arrest § 87(2)(b)

Patrol Guide Procedure 216-01 (**BR 27**) states that uniformed members of the service shall cooperate with ambulance/hospital personnel in every reasonable manner.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 28**)

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 29**)
- PO Macy has been a member of service for 17 years and has been a subject in eight CCRB complaints with a total of 19 allegations, none of which were substantiated. § 87(2)(g)
- PO Costello has been a member of service for eight years and has been a subject in two CCRB complaints with a total of six allegations, none of which were substantiated. § 87(2)(g)
- Det. Ragione has a member of service for 27 years and has been a subject in one CCRB complaint with a total of two allegations, none of which were substantiated. § 87(2)(g)
- PO Geslak has been a member of service for eight years and this is the first CCRB complaint to which he has been a subject.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate the complaint.
- As of March 15, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 30**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 31**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 32**).

Squad No.: 10

Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date